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REMARKS

Summary of Amendments Made

Claims 1, 2 and 4 stand rejected and claims 5 and 6 withdrawn from consideration (claim 5 has been amended to be linked to claim 1 as in the originally filed claims). In order to expedite prosecution, claim 1 has been amended to further illustrate the differences between the applicant's claimed invention and the Akihiko reference (Applicants reserve the right to file a divisional application to pursue scope of originally filed claims). It is believed that no new matter has been added.

The Akihiko reference teaches a first non-erasable MnBi Strip as well as a second re-recordable strip. However, Akihiko also states that the second strip may be re-recorded in basic use, e.g. to update payment information. This is neither the structure nor the purpose of the applicant's claimed invention which is to prevent forgery by repeating the same information in the identification layer and in the MnBi layer, i.e. a duplicate of the basic information is provided in the permanent MnBi layer for checking in terms of authenticity. Neither Akihiko alone or in combination with the supporting references teach or suggest that the MnBi layer has recorded therein the same identification information as is present in the substrate layer. Even if different supporting references are used, there would likely be a lack of motivation to combine the reference(s) with Akihiko given the disclosure of Akihiko's invention.

Since process claims 5 and 6 are linked to product 1, it is requested that claims 5 and 6 be rejoined (see MPEP 821.04) should claims 1, 2 and 4 are held to be allowable.

Closing

Applicants also believe that this application is in condition for allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Respectfully submitted,
Norris, McLaughlin & Marcus, P.A.

By: Howard C. Lee
Howard C. Lee
Reg. No. 48,104

220 East 42nd Street
30th Floor
New York, New York 10017
(212) 808-0700

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Preliminary Amendment (5 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: 29 December 2003

By: Julie Harting
Julie Harting